THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.11675 of 2006

Dated: 03-07-2006

Between:

Busi Visweswara Rao.

..... PETITIONER

AND

The District Registrar & Collector, Bhimavaram, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.11675 of 2006

ORDER:

The petitioner purchased an extent of 249.3 sq. yards of house site comprised in R.S.No.156 of Madhavayapalem in Narsapur town, from Koppineedi Subba Rao and others. When the sale was presented before second respondent, the petitioner was asked to pay the registration charges and stamp duty in a sum of Rs.19,445/- which was paid by the petitioner on 21-02-2004. The petitioner alleges that thereafter also the sale deed was not registered and was returned, and therefore, he filed W.P.No.1994 of 2006 before this Court, which is pending. The second respondent filed a counter-affidavit in the said writ petition stating that the document presented for registration was kept pending as the same was referred to District Registrar under Section 47-A of the Indian Stamp Act, 1899 (the Act, for brevity) for determination of proper market value and notice was also issued to the petitioner on 15-03-2004 as to why deficit stamp duty and registration charges should not be collected from him. It was also alleged that the petitioner appeared before the District Registrar and raised objections and after taking them into consideration, the District Registrar issued proceedings dated 06-12-2004 determining the stamp duty in a sum of Rs.30,965/- and deficit registration charges in a sum of Rs.1,405/-. The petitioner alleges that the proceedings of the District Registrar, dated 06-12-2004, whereunder the petitioner was asked to pay deficit stamp duty and registration charges, were not served on him immediately but they were served on 18-03-2006. The said proceedings are assailed in the present writ petition.

As the impugned proceedings are dated 06-12-2004, this Court gave time to the learned Assistant Government Pleader for Revenue (General) to verify from the records of first respondent as to whether a copy of said proceedings were served on the petitioner. Today, the learned Government Pleader has placed before this Court, a xerox copy of the show-cause notice dated 15-03-2004, which was received by the petitioner. A xerox copy of the acknowledgement issued by the postal authorities is also placed before this Court, which would show that one letter was served on the petitioner on 18-03-2006. However, this Court is not inclined to decide this question. In view of Sub-Section (4) of Section 47-A of the Act, appeal lies to the Court of Senior Civil Judge. Under Section 47-A (5) (ii) of the Act, appeal has to be filed within two months from the date of receipt of the order under Sub-Section (4A) of Section 47-A of the Act. Therefore, the question whether impugned

proceedings were served on the petitioner within time or on 18-03-2006 as averred by the petitioner is relevant for the purpose of deciding the appeal. The petitioner may approach the Court of the Senior Civil Judge under Section 47-A of the Act and plead all submissions before the said Court. The petitioner is given a week's time from today to file appeal before the jurisdictional Senior Civil Judge.

The writ petition, with the above observations and directions, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

3rd July, 2006
ghn